



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 7405-99
14 March 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 2 February 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

1160
PERS-815
02 Feb 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS
Via: PERS-OOZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 18 Nov 99
(b) NAVADMIN 180/97
(c) MILPERSMAN 1160-030

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval to petitioner's request.

- Petitioner's ADSD is 2 Sep 1988.

- Petitioner failed his third Physical Readiness Test (PRT) in September 1997. Petitioner later received an administrative board for separation due to the PRT failures. Petitioner's EAOS at the time was 6 Feb 1998 with an SEAOS of 6 Jan 2001.

- Petitioner was ineligible to reenlist and receive a zone "B" SRB entitlement on 5 Feb 1998 prior to his SEAOS of 6 Jan 2001 taking effect because he was not physically eligible.

- Petitioner was diagnosed with Vaso Depressive Syndrome in March 1998 and later passed his PRT in November 1998. Petitioner was placed in a full duty status after passing the PRT. Petitioner's EAOS at the time was 6 Jan 2001.

- Petitioner requests to effect a reenlistment on 5 Feb 1998 for 6 years and receive the zone "B" SRB entitlement offered in reference (b). Petitioner feels that if he was diagnosed prior to his third PRT of September 1997 he would have been able to pass his PRT and would have been eligible to reenlist on 5 Feb 1998 prior to his SEAOS of 6 Jan 2001 going operative.

- Per reference (c), to be eligible for enlistment or reenlistment in the regular Navy, a member must be physically qualified, which at the time he was not. There is no way to know if the petitioner would have passed his PRT if he had been properly diagnosed prior to his third failure.

Subj: BCNR PETITION ICO E [REDACTED]

2. In view of the above, recommend petitioner's record remain as is.
3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.



S. R. CHRISTY

Head,

Reenlistment Incentives Branch